IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.1224 OF 2004

Shri Parshuram Rajaram Daundkar ..Appellant

Versus

Shri Ganpat Shivram Daundkar & Ors. ..Respondents

Mr.P.B.Shah for appellant

Mr.Kishor Patil i/b Mr.G.S.Godbole for respondent no.1

CORAM : P.V.KAKADE, J.

DATE : 18TH JULY, 2005.

P.C.:

1. This is an appeal preferred by the appellant against the judgment and order passed by Addl. District Judge, Pune dated 10.8.2004 dismissing the appeal and confirming the judgment and order passed by Joint Civil Judge, Junior Division, Khed decreeing the suit with direction that the Defendant no.1 shall remove the construction of his house over suit property on his own costs and hand over possession of the encroached portion to the extent of 9R to the plaintiff within certain period.

2. I have heard both the learned counsel for the parties. Perused the record. It appears therefrom that there is no substantial question of law involved in this appeal and the issues involved are pure question of facts, which are seen to be properly appreciated and adjudicated by both the courts below, hence there is absolutely no reason for interference in this appeal.

3. In view of this position appeal stands dismissed with no order as to costs. Consequently Civil Application No.1656 of 2004 also stands dismissed.

4. However, at the request of the learned counsel for the appellant, the appellant-defendant no.1 is granted time of three months from today to remove the construction and obey the order passed by the Trial Court for which purpose he shall furnish Undertaking to this Court to that effect within two weeks from the date of this order.